

REMARKS

Claim 13 is amended. Claims 1-20 are pending.

In the office action, claims 1-20 were rejected under 35 U.S.C. § 101 for claiming the same invention as recited in claims 1-20 of co-pending U.S. application number 10/868,484.

It is respectfully submitted that the claims of co-pending U.S. application number 10/868,484 have been concurrently amended in an amendment filed in the U.S. Patent and Trademark Office on January 16, 2008, in which independent claims 1 and 12 of U.S. application number 10/868,484 are amended to recite the subject matter of claims 7 and 21 of U.S. application number 10/868,484.

Accordingly claims 1-6 and 8-20 of U.S. application number 10/868,484 recite subject matter which is not recited in claims 1-20 of the present application.

Therefore, the amendments to the claims of U.S. application number 10/868,484 overcome the rejection of the present application under 35 U.S.C. § 101, so reconsideration and withdrawal of the rejection of the present claims 1-20 under 35 U.S.C. § 101 are respectfully requested.

In addition, claims 1-6 and 12-17 were rejected on the grounds of non-statutory obviousness-type double patenting in view of co-pending U.S. application number 11/223,468 in view of U.S. published application number US2006/0100912A1 to Kumar et al.

A terminal disclaimer is submitted herewith to overcome the non-statutory obviousness-type double patenting rejection in view of co-pending U.S. application number 11/223,468.

In addition, it is respectfully submitted that Kumar is not prior art to the present invention, since Kumar is a national phase application based on a PCT application having a PCT filing of December 16, 2003, which is in turn based on a provisional application 60/433,597, filed on December 16, 2002.

The applicant submits herewith a Declaration of Prior Invention under 37 C.F.R. § 1.131, in which the applicant/inventor attests to prior conception and invention before December 16, 2002, which is the filing date of the provisional application 60/433,597 of Kumar, as well as due diligence to reduce the invention to practice between the invention prior to December 16, 2002 and the filing of the present application.

Accordingly, entry of the submitted terminal disclaimer and Declaration of Prior Invention under 37 C.F.R. § 1.131, and reconsideration and withdrawal of the rejection in view of co-pending U.S. application number 11/223,468 and Kumar et al. are respectfully requested.

In the office action, claim 13 is objected to in view of a typographical error. Claim 13 is amended to overcome the objection, so reconsideration and withdrawal of the objection of claim 13 are respectfully requested.

In the office action, claims 1-20 are rejected under 35 U.S.C. § 103(a) in view of Kumar and the previously cited published U.S. Patent Publication Number US2003/0009411A1 to Ram.

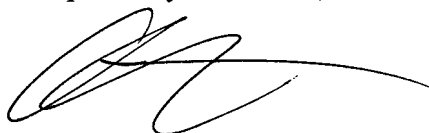
The applicant respectfully traverses the rejection in view Kumar and Ram, since as stated above, Kumar is not prior art to the present invention in view of the Declaration of Prior Invention under 37 C.F.R. § 1.131 submitted herewith by the applicant/inventor. Therefore, Kumar and Ram cannot be properly combined to disclose the present invention, so reconsideration and withdrawal of the rejection of claims 1-20 in view of Kumar and Ram are respectfully requested.

Therefore, all pending claims 1-20 are patentable and in condition for allowance.

Entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony J. Natoli', with a long horizontal flourish extending to the right.

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